

[4th February 1925]

The hon. the RAJA OF PANAGAL :—"The Collector recommended the name of Mr. Ramaswami Nayudu and the Government approved the recommendation."

Mr. A. CHIDAMBARA NADAR :—"Was Mr. Ramaswami Nayudu elected as a member of the Council and was his election declared invalid by a court of law?"

The hon. the RAJA OF PANAGAL :—"That was what the Government came to know subsequently."

Mr. A. CHIDAMBARA NADAR :—"Is it a fact that when the question was the subject of adjudication in a civil revision petition pending in the High Court Government nominated him as a member of council?"

The hon. the RAJA OF PANAGAL :—"Yes."

Mr. S. SATYAMURTI :—"May I know if the Government had no information at the time that the decision was being questioned in the High Court?"

The hon. the RAJA OF PANAGAL :—"Even if the Government had information there is no objection to such a case being considered by the Government."

Mr. S. SATYAMURTI :—"May I know from the Government whether as a matter of policy they are going to appoint as municipal councillors persons whose elections are being questioned in the highest tribunal of the land?"

The hon. the RAJA OF PANAGAL :—"There is no question of policy involved in the matter."

Mr. S. SATYAMURTI :—"Then, was it an exception?"

The hon. the RAJA OF PANAGAL :—"It is not an exception; all that I can say is that it may be so."

Mr. S. SATYAMURTI :—"Then I take it therefore that what is generally done is policy."

Mr. S. MUTTAYYA MUDALIYAR :—"May I know what would have been the attitude of the Government if the election had been held valid?"

The hon. the RAJA OF PANAGAL :—"It is a hypothetical question and cannot be answered."

Mr. S. MUTTAYYA MUDALIYAR :—"Is it not a fact that the Government take into consideration in making nominations whether a person is already a councillor or not?"

Vacancy in the Cocanada Taluk Board.

* 60 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether Mr. D. V. S. Prakasa Rao was elected to a vacancy on the Cocanada Taluk Board on 14th May 1924;

(b) whether the President of the Godavari District Board did not send his name to the gazette for publication but submitted a report for the Government requesting them to cancel the election;

4th February 1925]

(c) whether one of the grounds in that report was that Mr. Prakasa Rao was a congressman ;

(d) whether the Government set aside the election on 31st July 1924 and the grounds for the same ;

(e) whether the Government are aware that the election objection petition filed by Cocanada taluk board and district board was dismissed with costs by the Subordinate Judge, Cocanada, on 11th November 1924, and the election of Mr. Prakasa Rao on 14th May 1924 was declared valid ; and

(f) whether it is a fact that the President, Godavari District Board, has not yet published the notification of the election of Mr. Prakasa Rao ?

A.—(a), (b) & (f) The answer is in the affirmative.

(c) The President, District Board, stated that Mr. D. V. S. Prakasa Rao belonged to the congress party but that was not urged as a reason for action either way.

(d) The Government held the election to be void on the ground that it was not held on the initiative of the president of the district board as required by the rules for the election of members of district boards by taluk boards.

(e) The election petition was filed by a member of the taluk board and not by the taluk board. The petition was dismissed with costs and the election declared valid.

MR. S. SATYAMURTI :—“ With reference to the answer to clause (c), may I know whether it was stated in the report of the president of the district board that Mr. Prakasa Rao was a congressman ? ”

The hon. the RAJA OF PANAGAL :—“ Yes, the district board president reported that he was a congressman. ”

MR. S. SATYAMURTI :—“ May I know the sentence or paragraph containing the statement so that the House may know exactly why it was urged ? ”

The hon. the RAJA OF PANAGAL :—“ Sir, the request cannot be complied with. ”

MR. SAMI VENKATACHALAM CHETTI :—“ May I know to what party the president, district board, belongs ? ”

MR. S. SATYAMURTI :—“ Of course, the Justice party. ”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ I wish to know whether the Government set aside the election before or after the filing of the objection before the Sub-Judge. ”

The hon. the RAJA OF PANAGAL :—“ It was upon the report of the President of the District Board. I cannot say whether that report was subsequent to the filing or before the filing of the appeals. ”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ May I know whether in the Local Boards Act or under the rules thereunder there is any power to the Government to set aside an election without going to the court ? ”

The hon. the RAJA OF PANAGAL :—“ In the matter of elections the initiative must be taken by the President of the District Board and as that formality was not observed the election was considered not valid. ”

[4th February 1925]

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ I wish to know whether the Government have any power reserved to themselves either under the Local Boards Act or under the rules framed thereunder whereby they can set aside the election of a member.”

The hon. the RAJA OF PANAGAL :—“ Yes, it is a question of interpretation and the Government according to their interpretation considered that there was no valid election.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ May I know whether the Government consulted their legal advisers and satisfied themselves that there were powers in that respect ? ”

The hon. the RAJA OF PANAGAL :—“ Yes.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ Then, Sir, may I know the section of the Act or the number of the rule which gives them the power so that I may know whether the interpretation of the legal adviser is correct or not ? ”

The hon. the RAJA OF PANAGAL :—“ I remember the High Court has decided that in such cases elections are not valid.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ My question has not yet been answered. I wish to know whether I can be referred to the section of the Act or the section of the rule to see whether the interpretation is correct.”

The hon. the RAJA OF PANAGAL :—“ On the circumstances of the case the Government decided that the election was not valid. Government interpreted the provisions of the Act and found that there was no proper election.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ May I point out that my question has not yet been answered ? It is not the interpretation of the set of circumstances. It is the interpretation of the rule or section. If there is no rule he can tell us so.”

The hon. the RAJA OF PANAGAL :—“ The position is this. Under the provisions of the Act the initiative has to be taken by the President of the District Board and in this case the initiative was not taken by the President of the District Board. Hence it is that that election is not valid.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ In answer to clause (e) it is stated that the election is valid. Though the court held the election valid how is it that the election has not been notified and what is the action Government have taken on the matter ? ”

The hon. the RAJA OF PANAGAL :—“ The Government are awaiting the decision of the High Court in appeal.”

Mr. S. SATYAMURTI :—“ Who has appealed to the High Court, Sir ? ”

The hon. the RAJA OF PANAGAL :—“ The party concerned.”

Mr. S. SATYAMURTI :—“ If I go to a court and get a decree from that court, is the Government bound to wait till the highest court in the land makes up its mind one way or the other ? ”

The hon. the RAJA OF PANAGAL :—“ The Government were so advised.”

4th February 1925]

Mr. P. ANJANEYULU :—“ Is it not a fact that till a court of law sets aside the election, it is contrary to the spirit as well as the letter of the rules in the Local Boards Act not to notify the election ? ”

The hon. the RAJA OF PANAGAL :—“ That question has already been answered.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ May I know if the non-publication of the name in the gazette is due to the President of the District Board or the orders of the Government ? ”

The hon. the RAJA OF PANAGAL :—“ Orders of the Government on the report of the President.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know when the orders of the Government were passed ? Is it before or after the decision of the sub-court ? ”

The hon. the RAJA OF PANAGAL :—“ Sir, I think it is before.”

Mr. R. SRINIVASA AYYANGAR :—“ May I know whether the power of the Government is independent of the Act or is limited by the Act ? ”

The hon. the RAJA OF PANAGAL :—“ That question does not arise from the answer given.”

Mr. S. SATYAMURTI :—“ May I know whether the Government have taken legal opinion or whether they depend upon the inherent power which the hon. Minister claims for them in not publishing the name of the person who has been declared elected by a court of law for the time being ? ”

The hon. the RAJA OF PANAGAL :—“ I am afraid the hon. Member assumes that Government have passed these orders upon what the court has decided. I have already pointed out that this order was passed before the order of the court was passed.”

Mr. S. SATYAMURTI :—“ Presumably Government have not changed their order up to date and Mr. Prakasa Rao's name is not yet gazetted. I am therefore asking under what power Government has not done so and if legal opinion was obtained in the matter. By whom was it suggested that it is open to them, in spite of the fact that the Subordinate Judge held that the election was valid, not to publish his name as a taluk board member ? ”

The hon. the RAJA OF PANAGAL :—“ I did not say that the Government took the Advocate-General's opinion. They acted on the advice of the Law Department. As to the question whether it is open to the Government not to publish his name, the Law Department was consulted and they advised us that it is open to Government not to publish ”

Mr. S. SATYAMURTI :—“ May I know what the Law department means ? I am accustomed to know the Law department as the limb of the bureaucracy, which can always manipulate matters to please the bureaucracy. May I ask whether the Government consulted the Advocate-General who has been appointed the legal adviser to the Government ? I am really asking whether
11-45 a.m. the Government consulted the opinion of their expert lawyer, and he is, I believe, the Advocate-General who has been appointed to advise the Government.

[4th February 1925]

Mr. R. SRINIVASA AYYANGAR :—“Is not the hon. the Minister aware of the fact that in the election rules there is a provision to the effect that all orders passed by the Special Election Tribunal are final?”

The hon. the RAJA OF PANAGAL :—“If the election took place. But here the question at issue is whether there was election or not.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“The matter was pending before the court when the Government passed the order that it was invalid. If so, did the Government know who took the initiative in the election, or whether it was not one of the points raised in the petition presented to the court?”

Mr. SAMI VENKATACHALAM CHETTI :—“May I know if any appeal was preferred against the order of the court?”

Mr. C. V. VENKATARAMANA AYYANGAR :—“May I know if the Government is going to answer my question? I want to know whether at the time the Government passed the order and the petition was pending before the court, this very point as to who took the initiative in the election was one of the points raised in the petition.”

The hon. the RAJA OF PANAGAL :—“I have already answered that the initiative was not taken by the President of the District Board.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“Was it one of the points raised in the petition that was pending before the court when the Government passed the order declaring the election void?”

The hon. the RAJA OF PANAGAL :—“I do not know that I only said that the initiative was not taken by the District Board President.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I am sorry if I have not made myself clear. I am asking whether that particular point that the election was void because the initiative was not taken by the President, District Board, was not one of the grounds in the petition presented to set aside the election?”

The hon. the RAJA OF PANAGAL :—“I cannot say that offhand.”

Mr. S. SATYAMURTI :—“If the High Court also ruled in his favour, will the hon. the Minister wait till the Privy Council also decided in his favour?”

Mr. P. ANJANEYULU :—“The processes of law are known for their long delay. May I know whether Government propose to compensate the delay in any way?”

The hon. the PRESIDENT :—“No hypothetical cases can be put.”

Wearing of khaddar by the Guntur taluk board subordinates.

* 61 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the reasons why the Government have by their G.O. No. 3167, L. & M., dated the 10th November 1924, cancelled the resolution of the Guntur taluk board relating to the wearing of khaddar by taluk board subordinates, pupils and teachers; and

(b) whether the Collector was consulted in the matter?